

BOROUGH OF WESTWOOD

NOTICE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 17th day of October, 2017, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 21st day of November, 2017 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

Ordinance 17-29

An Ordinance to Amend Chapter 195 Land Use and Development, Part 1 Administration and Enforcement, Article IV Provisions Applicable to Both Planning Board and Zoning Board of Adjustment

Section 1. Amend (deleted sections are noted by ~~strike throughs~~, new sections are **underlined and bold**).

§ 195-34 Notices of hearings.

Notices of hearings shall be given for all applications for development except minor subdivision approval and final subdivision approval pursuant to N.J.S.A. 40:55D-12. Whenever a hearing is required on an application for development pursuant to this section, the applicant shall give notice thereof as follows:

- A. Public notice shall be given by publication in the official newspaper of the municipality, if there is one, or in a newspaper of general circulation in the municipality at least 10 days prior to the date of the hearing.
- B. Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within 200 feet in all directions of the property which is the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to a condominium association, in the case of any unit owner whose unit has a unit above or below it, or a horizontal property regime, in the case of a co-owner whose apartment has an apartment above or below it. Such notice shall be given by either serving a copy thereof on the owner as shown on the said current tax duplicate or his agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
- C. Notice shall be given to the Borough of Westwood Police Department, Fire Department, Board of Health, Parking Authority, Historic Preservation Commission and Shade Tree Committee.**
- ~~D.~~**E.** Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality.
- ~~D.~~**E.** Notice shall be given, by personal service or certified mail, to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other county land or situate within 200 feet of a municipal boundary.
- ~~E.~~**F.** Notice shall be given, by personal service or certified mail, to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.

~~F~~G Notice shall be given, by personal service or certified mail, to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to N.J.S.A. 40:55D-10b.

~~G~~H Notice shall be given, by personal service or certified mail, of a hearing on an application of a major subdivision or a site plan not defined as a minor site plan to a public utility, cable television company or local utility which possesses a right-of-way or easement within the municipality and has registered with the municipality in accordance with N.J.S.A. 40:55D-12.1.

~~H~~I All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.

~~I~~J Any notice made by certified mail as hereinabove required shall be deemed complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.

~~J~~K Form of notice. All notices required to be given pursuant to the terms of this chapter shall state:

- (1) The date, time and place of the hearing;
- (2) The nature of the matters to be considered;
- (3) The identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office; and
- (4) The location and times at which any maps and documents for which approval is sought are available as required by law.

~~K~~L Notice regarding Master Plan. The Planning Board shall give:

- (1) Public notice of a hearing on adoption, revision or amendment of the Master Plan. Such notice shall be given by publication in the official newspaper of the Borough at least 10 days prior to the date of the hearing.
- (2) Notice, by personal service or certified mail, to the Clerk of an adjoining municipality of all hearings on adoption, revision or amendment of the Master Plan involving property situated within 200 feet of such adjoining municipality at least 10 days prior to the date of any such hearing.
- (3) Notice, by personal service or certified mail, to the County Planning Board of:
 - (a) All hearings on the adoption, revision or amendment of the Master Plan at least 10 days prior to the date of the hearing. Such notice shall include a copy of any such proposed Master Plan, or any revision or amendment thereto; and
 - (b) The adoption, revision or amendment of the Master Plan not more than 30 days after the date of such adoption, revision or amendment. Such notice shall include a copy of the Master Plan or revision or amendment thereto.

~~L~~M Notice of hearing on ordinance or capital improvement program. Notice of action on a capital improvement or the Official Map shall be made as follows:

- (1) Notice, by personal service or certified mail, shall be made to the Clerk of an adjoining municipality of all hearings on the adoption, revision or amendment of a development regulation involving

property situated within 200 feet of such adjoining municipality at least 10 days prior to the date of any such hearing.

- (2) Notice, by personal service or certified mail, shall be made to the County Planning Board of all hearings on the adoption, revision or amendment of the municipal capital improvement program or the Municipal Official Map not more than 30 days after the date of such adoption, revision or amendment. Any notice provided hereunder shall include a copy of the proposed development regulation, the Municipal Official Map or the municipal capital program, or any proposed revision or amendment thereto, as the case may be.

Section 2. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough clerk is further directed to publish notice of the passage thereof and to file copy of this ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 5. This ordinance shall take effect after final passage and publication as prescribed by law.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk